

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-5, 8-19, 22-27, 30 and 31 are pending. Claims 1-5, 8-19, and 22-27 are hereby amended. New claims 30 and 31 are hereby added. Claims 1, 15, 30 and 31 are independent. Claims 6, 7, 20, 21, 28 and 29 have been canceled without prejudice or disclaimer of subject matter. No new matter is added by these amendments. Support for the amended recitations in the claims is found throughout the Specification. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §112

Claims 1, 2-5, 8-12 and 14 were rejected under 35 U.S.C. §112, first paragraph. Claim 1 has been amended, thereby obviating the rejection. Claims 1-29 were rejected under 35 U.S.C. §112, second paragraph because of the recitation of “characterized by”. The pending claims have been amended to delete that phrase, thereby obviating the rejection.

III. REJECTIONS UNDER 35 U.S.C. §101

Claims 28 and 29 were rejected under 35 U.S.C. §101 as allegedly claiming non-statutory subject matter. Claims 28 and 29 are hereby canceled, thereby obviating the rejection.

IV. REJECTIONS UNDER 35 U.S.C. §102(e)

Claims 1, 2, 6, 7, 13, 15, 16, 20, 21, 26, 28 and 29 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Publication No. 2004/0034629 to Genser (hereinafter, merely "Genser").

V. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 8, 9, 22 and 23 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Genser. Claims 3, 4, 17 and 18 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Genser in view of U.S. Publication No. 2005/0091240 to Berkowitz et al. (hereinafter, merely "Berkowitz"). Claims 5 and 19 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Genser in view of Berkowitz and further in view of U.S. Patent No. 6,304,928 to Mairs et al. (hereinafter, merely "Mairs"). Claims 10-12, 24 and 25 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Genser in view of Mairs. Claims 14 and 27 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Genser in view of U.S. Publication No. 2004/0148281 to Bates et al. (hereinafter, merely "Bates").

VI. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

“...means for relaxing the search constraints of a database query which suppress at least one of said set of search criteria contained in said contribution stack when said current information state is derived,

wherein said means for relaxing the search constraints of a database query select the search criteria to be suppressed according to user profiles, and/or according to context information...”
(emphasis added)

As understood by Applicants, Genser relates to a system and method for organizing search criteria match results. The system includes a context software module, for enabling the generating of a context database consisting of content, links, and layouts organized for presentation to the user. The system also includes a criteria software module for enabling the generating of a comparison database, adapted to enable criteria to be submitted, modified, and input by the user to generate comparison database information. It also includes an argument software module for enabling an argument consisting of an expression constructed for a specific purpose to be formed and submitted.

Applicants submit that nothing has been found in Genser that would teach or suggest the above-identified features of claim 1. Specifically, Applicants submit that Genser discloses that the search constraints can be relaxed according to the order of occurrence (paragraphs 0048 lines 17-21). Applicants submit that claim 1 recites wherein said means for relaxing the search constraints of a database query select the search criteria to be suppressed according to user profiles, and/or according to context information.

Applicants submit that by selecting the search criteria to be suppressed according to user profiles and/or according to context information, it is possible to relax the search constraints in a way that the thus obtained search result corresponds closely to the needs and expectations of the user (cf. page 6, lines 9 to 11 of the present application). As it is mentioned on the paragraph-bridging pages 12 and 13 of the present application, by developing a respective relaxation strategy, the user can be provided with the results of a query that gets close to his or her intention even if the query as initially specified by the user has not been successful. There is no teaching or suggestion in Genser as to the corresponding embodiments. Therefore, the present invention as defined in independent claim 1 is patentable.

Applicants submit that none of the art used as a basis of rejection of any dependent claim provides the disclosure missing from Genser.

Furthermore, Applicants respectfully submit that the combination of art used as a basis of rejection of the dependent claims is improper because it lacks motivation and is based on improper hindsight using the claimed invention as a blueprint.

Therefore, Applicants submits that independent claim 1 is patentable.

Independent claims 15, 30 and 31 recite similar, or somewhat similar features, and are patentable for similar reasons.

IV. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION


In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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